

State of Wisconsin



2015 Senate Bill 74

Date of enactment: **July 1, 2015**
Date of publication*: **July 2, 2015**

2015 WISCONSIN ACT 34

AN ACT *to amend* 961.39 (3) (b); and *to create* 961.39 (2m) of the statutes; **relating to:** prescriptions for controlled substances issued by optometrists and providing an exemption from emergency rule procedures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 961.39 (2m) of the statutes is created to read:

961.39 (2m) Notwithstanding sub. (1), may prescribe, dispense, or administer any of the following, if permitted for prescription or administration under the rules promulgated under s. 449.18 (6) (cm):

(a) Not more than 300 milligrams of hydrocodone per 100 milliliters or per 100 grams or not more than 15 milligrams per dosage unit, with a four-fold or greater quantity of an isoquinoline alkaloid of opium.

(b) Not more than 300 milligrams of hydrocodone per 100 milliliters or per 100 grams or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

SECTION 2. 961.39 (3) (b) of the statutes is amended to read:

961.39 (3) (b) The indicated use of the controlled substance included in schedule III, IV, or V so prescribed

or the indicated use of the controlled substance under sub. (2m) (a) or (b) so prescribed.

SECTION 3. Nonstatutory provisions.

(1) Using the procedure under section 227.24 of the statutes, the department of safety and professional services may promulgate rules under section 449.18 (6) (cm) of the statutes to account for section 961.39 (2m) of the statutes, as created by this act, for the period before the effective date of any corresponding permanent rules, but not to exceed the period authorized under section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."